



JOSEPH R. BIDEN, III  
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE  
820 NORTH FRENCH STREET  
WILMINGTON, DELAWARE 19801

CONTACT JASON MILLER  
PUBLIC INFORMATION OFFICER  
PHONE (302) 577-8949  
CELL (302) 893-8939  
Jason.Miller@state.de.us

## **Media Release**

Thursday, May 3, 2007

**Attorney General Beau Biden, Senator Harris McDowell, Rep. Robert Valihura, and Rep. Melanie Marshall announce introduction of legislation to decriminalize minor offenses**  
House Bill 158 will alleviate caseload burdens on Department of Justice prosecutors and allow it to direct current resources to prosecuting more serious crimes

Dover, DE –Today Attorney General Beau Biden joined State Senator Harris McDowell (D-Wilmington North), State Representative Robert Valihura (R-Talleyville) and State Representative Melanie George Marshall (D-Bear/Newark) as they announced the introduction of House Bill 158 which will enhance the Department of Justice’s efforts to efficiently use its resources to prosecute criminals in Delaware’s communities.

“My role as Attorney General is to provide the necessary tools this Department needs to accomplish its mission,” Attorney General Biden said. “And while I will continue to seek additional resources for the fight against crime, I will also support common-sense efforts to maximize the efficiency of our existing resources. The legislation introduced today will allow the Department of Justice to concentrate its resources on prosecuting serious crimes, and hopefully make Delaware an even safer place to live.”

The Attorney General reported that prosecutors in the Department of Justice are currently burdened by extremely large caseloads. He referenced a 2000 American Prosecutor’s Research Institute study which concluded that additional prosecutors were needed at that time to handle the Department’s existing caseload levels. Since that study was released the number of cases handled by Department of Justice prosecutors has increased by 10%, with little corresponding increase in staff or resources.

Prosecutors in the Department of Justice misdemeanor trial unit are especially burdened. These prosecutors, on average, are assigned over 9,000 cases per year. As a result, they often do not have the opportunity to meet with victims or witnesses before they walk into the courtroom for trial.

Under current Delaware law, minor traffic infractions, such as speeding, are designated “criminal offenses” and they appear on individuals’ criminal records. The current law also allows defendants charged with such crimes to transfer their case from Justice of the Peace courts, where these cases are normally adjudicated, to a Court of Common Pleas. There, an already overburdened Department of Justice prosecutor is required to argue the case, directing his or her attention away from more serious criminal offenses.



JOSEPH R. BIDEN, III  
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE  
820 NORTH FRENCH STREET  
WILMINGTON, DELAWARE 19801

CONTACT JASON MILLER  
PUBLIC INFORMATION OFFICER  
PHONE (302) 577-8949  
CELL (302) 893-8939  
Jason.Miller@state.de.us

House Bill 158 alleviates unnecessary casework burdens on prosecutors and the justice system by:

- Decriminalizing most motor vehicle offenses.
- Defining the parameters and penalties of a new range of “civil infractions.”
- Clarifying the jurisdiction of these cases so that they are heard in Justice of the Peace courts, rather than a Court of Common Pleas.

House Bill 158 focuses on minor motor vehicle code infractions that would never result in jail time and whose fines do not exceed \$1,150. It excludes egregious traffic violations, such as driving under the influence of drugs or alcohol, and moving violations resulting in injury. These violations will continue to be prosecuted by the Department of Justice as criminal offenses to the fullest extent of the law.

"I lend my support to this bill and join as a co-sponsor because it maximizes the use of prosecutorial resources," Senator McDowell said. "It meets our common desire to focus our law enforcement efforts on fighting criminals who represent the greatest threat to our communities."

"The legislation we offer today makes reasonable changes to Delaware law," noted Representative Marshall. "By redefining this new set of civil violations and the process in which traffic violation cases are heard, our court system will work in a more efficient manner."

If passed and signed into law, this legislation will be implemented in phases over an 18-month period in order to provide time to create new record-keeping systems, train law enforcement and court personnel, and draft necessary procedures and court rules.

Stated Representative Valihura, "The unintended consequences of treating minor traffic offenses as crimes has a dramatic effect on the citizens of this state. As more employers seek employees without criminal records, convictions for these criminal traffic offenses – which most citizens believe are not criminal – is keeping hardworking and honest individuals from getting and keeping employment. This legislation not only has the impact of redistributing scarce resources in the Attorney General's office, but will provide much needed reform of our traffic laws for the benefit of Delaware citizens."

###